

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAMERON ROSS FORNEY,

Defendant.

CR 20-135-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 120.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Defendant's admissions at two separate hearings, that Defendant violated four conditions of supervised release: the special

condition that he participate in substance abuse treatment (Special Condition 5); the special condition that he participate in substance abuse testing (Special Condition 4); the mandatory condition that he refrain from any unlawful use of a controlled substance (Mandatory Condition 3); and the special condition that he reside in a sober living home approved by the United States Probation Office for a period of four months (Special Condition 9). (Doc. 120 at 8–9.)

Judge Cavan recommends that this Court revoke Defendant's supervised release and sentence him to nine (9) months custody, followed by no term of supervised release. (*Id.* at 9.) Judge Cavan also recommends that this Court grant the Government's motion to dismiss Violation Numbers 1, 2, 3, and 5 of the September 12, 2024 Petition (Doc. 98) and Violation Numbers 2 and 3 of the October 11, 2024 Petition (Doc. 109). (Doc. 120 at 9.)

The Court finds no clear error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 120) is ADOPTED in full.

Defendant shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 3rd day of January, 2025.


